

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

GLORIA PUMPHREY, *ET AL.*,
For themselves and on behalf of all similarly situated individuals,

Plaintiffs,

v.

Civil Action No. 3:11-cv-00574-JAG

EXPERIAN INFORMATION SOLUTIONS, INC.,

Defendant.

MEMORANDUM ORDER

THIS MATTER is before the Court on the plaintiffs' motion to voluntarily dismiss the action pursuant to Federal Rule of Civil Procedure 41(a)(2). (Dk. No. 43.) Though this matter commenced well over a year ago, it remains at an early stage of litigation due to a variety of factors. The plaintiffs filed their complaint on September 1, 2011. The initial pretrial conference took place several months later, on November 28, 2011. Once the parties agreed on a joint scheduling order, discovery commenced in early January 2012. On April 18, 2012, at the behest of the parties, the Court stayed the case pending the resolution of *Equifax Information Services, LLC v. Soutter*, No. 11-168, in the U.S. Court of Appeals for the Fourth Circuit, due to the similarity of issues between this case and *Soutter*. On December 3, 2012, the Fourth Circuit rendered its decision, and this Court lifted its stay the following day. At that time, the Court directed the parties to submit a revised joint scheduling order for the Court's approval by no later than January 4, 2013. In short, though the case has been on the Court's docket for nearly 18 months, throughout the vast majority of this time frame, little activity has occurred.

On December 12, 2012, the defendant filed a motion for judgment on the pleadings on the basis of the Fourth Circuit's decision in *Soutter*. On January 3, 2013, the plaintiffs filed a motion for leave to file an amended complaint, but then, on February 5, 2013, the plaintiffs sought voluntary dismissal by filing the instant motion.

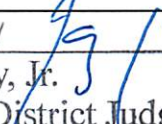
Because of the long stay that the Court imposed, the parties have engaged in little or no discovery. Furthermore, notwithstanding the defendant's Rule 12(c) motion, the case remains at an early posture. As a result, the Court finds that dismissal will not substantially prejudice the defendant and GRANTS the motion for voluntary dismissal, with each party to bear its own costs.

The Court DENIES AS MOOT the defendant's motion for judgment on the pleadings (Dk. No. 24) and the plaintiffs' motion for leave to file an amended complaint (Dk. No. 32).

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: March 7, 2013
Richmond, VA

/s/ 
John A. Gibney, Jr. United States District Judge